

AMENDMENTS TO LB 203

Introduced by Health and Human Services

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 71-401, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5           71-401 Sections 71-401 to 71-459 and section 3 of this  
6 act shall be known and may be cited as the Health Care Facility  
7 Licensure Act.

8           Sec. 2. Section 71-403, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           71-403 For purposes of the Health Care Facility Licensure  
11 Act, unless the context otherwise requires, the definitions found  
12 in sections 71-404 to 71-431 and section 3 of this act shall apply.

13           Sec. 3. Representative peer review organization means a  
14 utilization and quality control peer review organization as defined  
15 in section 1152 of the Social Security Act, 42 U.S.C. 1320c-1, as  
16 such section existed on the effective date of this act.

17           Sec. 4. Section 71-434, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19           71-434 (1) Licensure activities under the Health Care  
20 Facility Licensure Act shall be funded by license fees. An  
21 applicant for an initial or renewal license under section 71-433  
22 shall pay a license fee as provided in this section.

23           (2) License fees shall include a base fee of fifty

1 dollars and an additional fee based on:

2 (a) Variable costs to the department of inspections,  
3 architectural plan reviews, and receiving and investigating  
4 complaints, including staff salaries, travel, and other similar  
5 direct and indirect costs;

6 (b) The number of beds available to persons residing at  
7 the health care facility;

8 (c) The program capacity of the health care facility or  
9 health care service; or

10 (d) Other relevant factors as determined by the  
11 department.

12 Such additional fee shall be no more than two thousand  
13 six hundred dollars for a hospital or a health clinic operating  
14 as an ambulatory surgical center, no more than two thousand  
15 dollars for an assisted-living facility, a health clinic providing  
16 hemodialysis or labor and delivery services, an intermediate care  
17 facility, an intermediate care facility for the mentally retarded,  
18 a nursing facility, or a skilled nursing facility, no more than one  
19 thousand dollars for home health agencies, hospice services, and  
20 centers for the developmentally disabled, and no more than seven  
21 hundred dollars for all other health care facilities and health  
22 care services.

23 (3) If the licensure application is denied, the license  
24 fee shall be returned to the applicant, except that the department  
25 may retain up to twenty-five dollars as an administrative fee  
26 and may retain the entire license fee if an inspection has been  
27 completed prior to such denial.

1           (4) The department shall also collect the fee provided in  
2 subsection (1) of this section for reinstatement of a license that  
3 has lapsed or has been suspended or revoked. The department shall  
4 collect a fee of ten dollars for a duplicate original license.

5           (5) The department shall collect a fee from any applicant  
6 or licensee requesting an informal conference with a representative  
7 peer review organization under section 71-452 to cover all costs  
8 and expenses associated with such conference.

9           ~~(5)~~ (6) The department shall adopt and promulgate rules  
10 and regulations for the establishment of license fees under this  
11 section.

12           ~~(6)~~ (7) The department shall remit all license fees  
13 collected under this section to the State Treasurer for credit  
14 to the Department of Health and Human Services Regulation and  
15 Licensure Cash Fund. License fees collected under this section  
16 shall only be used for activities related to the licensure of  
17 health care facilities and health care services.

18           Sec. 5. Section 71-452, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           71-452 Within fifteen days after service of a notice  
21 under section 71-451, an applicant or a licensee shall notify the  
22 director in writing that the applicant or licensee (1) desires  
23 to contest the notice and request an informal conference with a  
24 representative of the department in person or by other means at  
25 the request of the applicant or licensee, (2) desires to contest  
26 the notice and request an informal conference with a representative  
27 peer review organization, (3) desires to contest the notice and

1 request a hearing, or ~~(3)~~ (4) does not contest the notice. If the  
2 director does not receive such notification within such fifteen-day  
3 period, the action of the department shall be final.

4 Sec. 6. Section 71-453, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 71-453 (1) The director shall assign a representative of  
7 the department, other than the individual who did the inspection  
8 upon which the notice is based, or shall assign a representative  
9 peer review organization to hold an informal conference with  
10 the applicant or licensee within thirty days after receipt of  
11 a request made under subdivision (1) or (2) of section 71-452.  
12 Within twenty working days after the conclusion of the conference,  
13 the representative or representative peer review organization shall  
14 affirm, modify, or dismiss the notice. The representative or  
15 representative peer review organization shall state in writing  
16 the specific reasons for affirming, modifying, or dismissing the  
17 notice and shall immediately transmit copies of the statement to  
18 the director and the applicant or licensee. The applicant's or  
19 licensee's copy of such statement shall be sent by certified mail  
20 to the last address shown in the records of the department. If the  
21 applicant or licensee desires to contest the affirmed or modified  
22 notice, the applicant or licensee shall notify the director in  
23 writing within five working days after receiving such statement  
24 that the applicant or licensee requests a hearing.

25 (2) If an applicant or a licensee successfully  
26 demonstrates during an informal conference or a hearing that the  
27 deficiencies should not have been cited in the notice, (a) the

1 deficiencies shall be removed from the notice and the deficiency  
2 statement and (b) any sanction imposed solely as a result of those  
3 cited deficiencies shall be rescinded.

4           Sec. 7. Original sections 71-403, 71-452, and 71-453,  
5 Reissue Revised Statutes of Nebraska, and sections 71-401 and  
6 71-434, Revised Statutes Cumulative Supplement, 2006, are repealed.